



Facsimile No: 703-872-9310
Attorney Docket: XY-SonicUSNP

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

OFFICIAL

In Re the Application of: Kristopher S. Buchanan, Lisa Herickhoff, George Seidel,
George C. Malachowski, Matthias J. G. Ottenberg, Douglas
H. Ferguson

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NOV 06 2003

Serial Number: 09/622,621

Filed: September 18, 2000

For: A Vibratory System For A Sorting Flow Cytometer

Group Art Unit: 1743

Examiner: Maureen Wallenhorst

Assignee: XY, Inc.

**AMENDMENT AND REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.111**

Commissioner for Patents
Examiner Maureen Wallenhorst
Group Art Unit 1743
P.O. Box 1450
Alexandria VA, 22313-1450

Examiner Wallenhorst:

This amendment and request for reconsideration is in response to the Office Action communication (Paper No. 9) mailed May 7, 2003. In that communication, the office merely objected to the abstract, specification, and certain claims and raised concerns as to other claims. The applicant believes that this response addresses each of the concerns raised by the office in the Office Action mailed May 7, 2003.

A shortened statutory period of three months has been set, making a response to this action due on or by August 7, 2003. The applicant is requesting that this time period

by extended for three months to and including November 7, 2003 and has included a Petition for Extension of Time along with the prescribed fee.

This response is made in accordance with 37 C.F.R. § 1.121 as amended using the format with each heading beginning on a separate page as follows:

1. Amendments to the Specification begin on page 3 of this response;
2. Amendments to the Claims are reflected in the listing of all claims beginning on separate page 4 of this response; and
3. Remarks begin on page 27 of this response.

In accordance with the amendment directions provided in 37 C.F.R. § 1.121 as recently changed, please include the abstract, amend 6-12, 14-34, 37-40, 45-49, 52, 54-57, 62, 63, 65-67, 70-72, 77-79, 88-98, 100 and 102, and cancel claims 64, 101 and 107-109. Each amendment is believed to have been made in accordance with Rule 121, however, should any unintended informality exist, it is requested that the undersigned be contacted by telephone so that it may be resolved as expediently as possible.